


Entered - 2-9-01 - sb  
CL 01L0119 - ALEXIS HOLMES

01- R-0385

CLAIM OF: **DONNA HINKES**  
600 Forest Hills Drive  
Atlanta, Georgia 30342

For vehicular damages alleged to have been sustained as a result of driving over an unsecured metal plate on January 22, 2001 Windsor Highway and Peachtree Dunwoody Road.

THIS ADVERSE REPORT IS APPROVED

BY:   
ROSALIND RUBENS NEWELL  
DEPUTY CITY ATTORNEY

## DEPARTMENT OF LAW - CLAIM INVESTIGATION SUMMARY

Claim No. 01L0119

Date: 2/26/01

Claimant /Victim DONNA HINKES

BY: (Atty) \_\_\_\_\_

Address: 600 Forest Hills Drive Atlanta, Georgia 30342

Subrogation: \_\_\_\_\_ Claim for Property damage \$ 106.99 Bodily Injury \$ \_\_\_\_\_

Date of Notice: 2/2/01 Method: Written, proper X Improper \_\_\_\_\_

Conforms to Notice: O.C.G.A. §36-33-5 X Ante Litem (6 Mo.) X

Date of Occurrence 1/22/01 Place: Windsor Parkway and Peachtree Dunwoody Road

Department United Water Division: Sewer Operations

Employee involved \_\_\_\_\_ Disciplinary Action: \_\_\_\_\_

**NATURE OF CLAIM:** The claimant alleges that she sustained vehicular damages when she drove her vehicle over an unsecured metal plate that was used to cover a construction site. However, an investigation determined that the construction site in question is 1) not within the City's limits and 2) it was created by United Water Services Atlanta, and therefore it is their responsibility, and not the responsibility of the City of Atlanta. Further, the claimant has been advised to pursue her claim with United Water Services Atlanta.

### INVESTIGATION:

Statements: City employee X Claimant \_\_\_\_\_ Other X Written X Oral X

Pictures X Diagrams \_\_\_\_\_ Reports: Police \_\_\_\_\_ Dept Report X Other \_\_\_\_\_

Traffic citations issued: City Driver \_\_\_\_\_ Claimant Driver \_\_\_\_\_

Citation disposition: City Driver \_\_\_\_\_ Claimant Driver \_\_\_\_\_

### BASIS OF RECOMMENDATION:

Function: Governmental \_\_\_\_\_ Ministerial \_\_\_\_\_

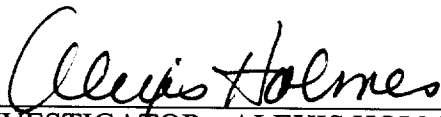
Improper Notice \_\_\_\_\_ More than Six Months \_\_\_\_\_ Other \_\_\_\_\_ Damages reasonable \_\_\_\_\_

City not involved X Offer rejected \_\_\_\_\_ Compromise settlement \_\_\_\_\_

Repair/replacement by Ins. Co. \_\_\_\_\_ Repair/replacement by City Forces \_\_\_\_\_

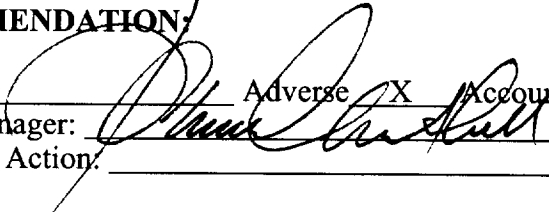
Claimant Negligent \_\_\_\_\_ City Negligent \_\_\_\_\_ Joint \_\_\_\_\_ Claim Abandoned \_\_\_\_\_

Respectfully submitted,

  
INVESTIGATOR - ALEXIS HOLMES

### RECOMMENDATION:

Pay \$ \_\_\_\_\_ Adverse X Account charged: 1A01 \_\_\_\_\_ 2J01 \_\_\_\_\_ 2H01 \_\_\_\_\_

Claims Manager:  Concur/date 02-27-01

Committee Action: \_\_\_\_\_ Council Action \_\_\_\_\_

COUNCIL OF THE CITY OF ATLANTA  
MUNICIPAL CLERK  
City Hall  
55 Trinity Avenue, S.W.  
Atlanta, Georgia 30335

RE: CLAIM FOR DAMAGES

Today's Date: 1/29/01

Dear Municipal Clerk:

FEB - 2 2001

ENTERED - 2-9-01 - SB  
01L0119 - ALEXIS HOLMES

This is to notify the City of Atlanta that I have suffered damages in the amount sum of \$ 106.99 property and/or \$ 0 bodily injury for which I contend the City is liable.

1. Date of incident: Jan 22, 2001 (month/day/ year) 2. Time of Incident: ~3pm 3. Police called: Yes ☒ No ☐
4. Location of incident (including street address): Intersection of Winsor Hwy & Peachtree Dunwoody
5. Name of your insurance company: Liberty Mutual Policy No. A02-251-128108-10
6. State what and how incident occurred: Large hole at intersection (under construction) not properly covered, front right tire hit hole while making a left onto Winsor Hwy. Tire went flat. (The tire was only a year old)
7. ALL ESTIMATES AND DAMAGES ARE SUBJECT TO INSPECTION. THE MAKING OF FALSE CLAIMS WILL RESULT IN YOUR CLAIM BEING DENIED AND MAY RESULT IN CRIMINAL PROSECUTION!
8. The registered owner must make the claim for vehicle damages, complete the following and attach two (2) estimates of repair and proof of ownership of your vehicle (copy of the current tag receipt or title).  
Your vehicle: Mitsubishi Galant 1994 522-MXC Donna Hinkes  
(Make) (Year) (Tag Number) (Driver's Name)  
City vehicle: \_\_\_\_\_  
(Make) (City Driver's Name) (Department/Bureau)
9. Witness: George Todd 221 Armadillo Dr. Atlanta GA 404-872-3107  
(Name) (Address) (Telephone Number)  
Witness saw hole, tire hit hole & helped change the flat.
10. The acknowledgment of this claim in no way waives the Sovereign immunity of the City of Atlanta, as granted by State law, nor is it an admission of liability on behalf of the City of Atlanta and/or its employee(s).
11. This claim should be mailed immediately to the address shown above.

I HEREBY SWEAR OR AFFIRM THAT THE ABOVE INFORMATION IS TRUE AND CORRECT.

Signature of Claimant

Donna Hinkes  
(Print Claimant's Name)

600 Forest Hills Dr.  
(Address)

Atlanta, GA 30312  
(City, State and Zip Code)

404 459-8259  
(Work Number) (Home Number)

01-R-0385